19 41 **File No.** B Dist & City Police/41

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Legal **DEPARTMENT**

B **BRANCH**

Subject:— Governors Bill No 1941

A Bill to amend the Bombay Dist & City Police Acts

(Insertion of new S. 39B in Bom IV 1890 & S. 23 A. in Bom IV of 1902)

Bom XLII of 1941

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File No. B Dist & City Police/41

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Office of the P.L.A.

A tentative draft Bill is sent herewith. The proposed Bill falls under entries 3 and 10 of the Provincial Legislative List and entry 20 of the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935. Under executive instructions, the Bill requires the previous approval of the Governor-General before enactment. None of the provisions of the Bill is repugnant to the provisions of any existing Indian law and the bill, therefore, need not be reserved for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935.

Sd/- .N.P.
O.C. 14/5.
Parliamentary Draftsman of Legal Affairs.

U.O. to N.P. No-444 , dated the 15th May 1941.

V.V.K.
17/5/56

No. 164-L.

Legal De artment .

Council Hall , Poona, 29th uly 1941.

From

P. N. Moos, Esquire , Bar-at-law , I.C.S.

Secretary to the Govern ent of Bombay.

To

The Secretar to the overnor of Bombay.

Subject:- A Bill to amend the Bombay District olice Act, 1890 and the City of Bombay olice Act, 1902.

Sir,

With reference to your Memo.No.201(34) dated the 21st July 1941 addressed to the Fore De artment, on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor , a copy of the Bill toamend the Bombay District olice Act, 1890 and the City of Bombay Police Act, 1902 prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th Novem er 1939 issued by hi under section 3 of the Govern ment of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the overnor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b),(c) or (d) of Paragraph XVII of the Instrument of Instructions to the overnor of Bombay.

3. The subject matter ofthe Bill falls under entry Nos.3 and 18 in the Provincial Legislative List and No. 20 in the Concurrent Legislative List i the Seventh Schedule to the Government of India Act, 1935. None of the provisions of the Bill is repugnant to the provisions of any earlier Federal law or e isting Indian law with respect to any matter enumerated in the Concurrent

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legislative List. It is not, therefore, necessary to reserve the Bill for consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

4. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

5. I also forward herewith one spare copy of the Bill.

I have the honour to be,

Sir,

Your most obedient servant,

C.C. Sd/- N.K.
Secretary to the Government of Bombay,
Legal Department.

Through the Secretary to the Government of Bombay,
Home Department.

Legal Department.

The Bombay District Police and the City of Bombay police (Amendment) Bill has received the assent of the Governor on the 6th August 1941. It will, however, be seen from paragraph 3 of the Secretary to the Governor's letter ~~p. l~~ that the Act will have to be published in the Gazette with the Statement attached to it. Under the Secretary to the Governor's Circular No.201 (12) dated 4th August 1941, a full statement, headed simply "Statement", giving the objects and reasons is required to be attached to every Governor's Act promulgated in section 93 conditions. In the case of important Acts such statements will be signed by His Excellency the Governor himself.

2. The necessary statement will have to be prepared by the Home Department. See Instruction 25(2) of the Instructions issued under rule 16 of the Rules of Business. The papers are, therefore, referred to the Home Department with a request to prepare the necessary Statement for His Excellency's approval.

O.C. Sd/- P.N.E.
12/8
Secretary to Government.

U.R. to H.D. No. 7180 dated the 4th August 1941.

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17/4/60.

No. 230-L

Legal Department.

Council Hall, Bombay, 30th August 1941.-

From

P.N. Rose, Esquire, Barrister-at-law, I.C.S.,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902.

Sir,

With reference to para. 3 of your letter No. 201(34) dated the 9th August 1941, on the above subject, I am directed to forward herewith for the approval of His Excellency the Governor a draft Statement to be attached to the Bombay District Police and the City of Bombay Police (Amendment) Bill, 1941 (Governor's Bill No. III of 1941), while publishing it as an Act in the Bombay Government Gazette.

I have the honour to be,
Sir,
Your most obedient servant,

O.C. Sd/- P.N.R.
Secretary to Government.

Through

The Secretary to the Government of Bombay,
Home Department.

Acts.

Publication of the Bombay District Police and the City of Bombay Police (Amendment) Act, 1941.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 5[illegible]

Bombay Castle, 30th August 1941.

Letter to the Secretary to the Governor, No.164-L, dated the 29th July 1941.

Letter from the Secretary to the Governor, No.201(34), dated the 9th August 1941.

"With reference to your letter No.164-L, dated the 29th July 1941, forwarding a copy of a Bill to amend the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902, prepared by His Excellency the Governor under paragraph(2) of the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, I am directed to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

2. The copy of the Bill is returned herewith with His Excellency the Governor's assent signified thereon.

3. I am to invite attention to this Office Circular No.201(12) dated the 4th August 1941, and to say that the "Statement" to be published with the Act should be submitted for His Excellency's approval before issue."

Letter from to the Secretary to the Governor No.230-L, dated the 20th August 1941.

Letter from the Secretary to the Governor, No201(34) dated the 28th August 1941.

"With reference to your letter No.230-L, dated the 20th August 1941, I am to forward herewith a copy of the Statement, as amended, to be attached to the Bombay District Police and the

V.V.P.
17/4/56.

City of Bombay Police Amendment Bill while publishing it as an Act in the Bombay Government Gazette. As the Act is not one of urgent importance, the Act should be published with it without His Excellency's signature."

RESOLUTION:- The Act should be published as Bombay Act No. III of 1941, in the Bombay Government Gazette dated the 2nd September 1941.

2. The Act should be translated into Marathi, Gujarati, Kannada and Urdu (Hindustani) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department with reference to their memorandum from that Department No.4867/4-II, dated the 25th July 1941.

By order of the Governor of Bombay,

Sd/-

For{Secretary to Government

To

The Manager, Government Central Press, Bombay, (with a copy of the Act and with a request that 18 Gazette copies of the Act may be forwarded to the Legal Department).

The Home Department,
*The Oriental Translator to Government.
The Secretary to the Bombay Legislative Council.
The Secretary to the Bombay Legislative Assembly.
} With a copy of the Act.

*With five extra copies.

17/4/56.

Legal Department.

The Bombay District Police and the City of Bombay — Police (Amendment) Bill, 1941(Governor's Bill No.XIII of 1941) has received he assent of His Excellency he Governor on the 6th August 1941 and it is bei published as Bombay Act.XIII of 1941 in the Bombay Government Gazette dated the 2nd September 1941, with the Statement as approved by His Excellency attached to it.

2, A draft notification under section 93(2) of the Government of India Act, 1935, to apply the Bombay Act XIII of 1941 with the exception of section 3 thereof to the certially excluded areas in the Province is furnished herewith to be Home Department.

O.C. Sd/-
For Secretary to Government.

U.O. to H.D. No. 281-L , dated the 30th August 1941.

A.K.
17/4/66.

NOTIFICATION.

Home Department.

Bombay Castle, 8th September 1941.

The Government of India Act, 1935.

No. 4867/4-II.- In exercise of the powers conferred by sub-section (1) of section 3 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Bombay District Police and the City of Bombay Police (Amendment) Act, 1941(Bom. VII of 1941), with the exception of section 3 of the said Act shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay,

J. H. Gladen,

Secretary to the Government of Bombay
Home Department.

No. 4867/4-II-A,
Home Department,
Bombay Castle, 8th September 1941.

Copies forwarded with compliments for information to:-

All Commissioners of Divisions,
All District Magistrates,
The Additional District Magistrate, Breach and Branch Wahals,

The Inspector General of Police, Province of Bombay,
All Deputy Inspectors General of Police,
All District Superintendent of Police,
The Public Works Department,
The Legal Department,
The Secretary to the Governor.

2. The Act has been published at pages 190-192 of part IV of the Bombay Government Gazette, date the 2nd September 1941.

Sd/-
For Secretary to the Government of Bombay,
Home Department.

17/4/56.